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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,694	12/04/2003	Roy Hirst	MS305475.1/MSFTP492US	8657
27195	7590	05/29/2009		
TUROCY & WATSON, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER LUDWIG, MATTHEW J	
			ART UNIT 2178	PAPER NUMBER
			NOTIFICATION DATE 05/29/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/727,694	<b>Applicant(s)</b> HIRST, ROY	
	<b>Examiner</b> MATTHEW J. LUDWIG	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to the amendment received 2/13/2009.
2. Claims 1-4, 7-28 are pending in the application. Claims 1, 19, 20, 27, and 28 are independent claims.
3. Claims 1-4 and 7-28 rejected under 35 U.S.C. 102(b) as being anticipated by Hohl have been withdrawn pursuant to applicant's amendments.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. **Claims 1-4, 7-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrington et al., USPN 7,391,885 filed (7/28/04).**

**In reference to independent claim 1 and 18, Harrington teaches:**

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***‘a quality component that tracks one or more quality metrics associated with one or more items in a documentation set, the one or more items include topics or subtopics, the one or more quality metrics tracked according to an automated identification process’***

See column 14, lines 36-67. The reference provides a means of tracking metrics associated with the alignment of objects within a document set utilizing an automated identification process.

***‘a rules engine that automatically applies the quality metrics to the items to facilitate interactive quality assessments of the items and bulk remediation of a quality problem across disparate items to improve the quality of the documentation set wherein quality is a measure function of technical accuracy, document content scope, and document discoverability associated with the one or more items, the bulk remediation includes at least one of modifying or updating content of the one or more items’***

See column 14, lines 36-67. The reference provides a means of applying the metric to each object within a document set to facilitate quality assessments of the objects (items) in relation to the document structure and allowing for corrections to be made to other objects within the document set. Therefore, the reference to Harrington teaches a means of correcting a problem of the placement of content objects through updating/modifying content in an automated system.

***‘a scoring component that automatically ranks the items based at least in part on the interactive quality assessments of the items, the scoring component ranks the one or more quality metrics associated with the quality of the one or more items to determine a nature of a problem with the one or more items’***

See column 15, lines 1-40. The reference to Harrington provides a means of scoring/ranking objects based in part on the quality assessments of the objects within the document set. Further,

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the reference provides an alignment formula that eventually takes each alignment measure and calculates/ranks the objects using another formula to determine the problem of alignment with each object within the document set.

'at least one filter that analyzes the ranks associated with the items and the quality metrics in view of a predetermined threshold of quality, the at least one filter extracts attributes from an item with a score that exceeds the predetermined threshold and automatically applies the attributes to the remaining items'

See column 15 and 16, lines 1-67. the scores and formula utilized for the each object within a document set is described and an overall alignment could be found which would allow for attributes to be spread throughout each attribute related to spacing, alignment, etc.

**In reference to dependent claim 2**, Harrington teaches:

The display may display the document or portion thereof that is being quantized with respect to quality. The display may also display the various options that a user can choose through the user interface. See column 8, lines 47-67.

**In reference to dependent claim 3**, Harrington teaches:

The reference to Harrington provides a means of scoring/ranking objects based in part on the quality assessments of the objects within the document set. Further, the reference provides an alignment formula that eventually takes each alignment measure and calculates/ranks the objects using another formula to determine the problem of alignment with each object within the document set. See column 15, lines 1-40.

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**In reference to dependent claim 7**, Harrington teaches:

A method for quantifying a measure of quality of a document, comprising measuring a predetermined set of characteristics of a document, quantizing the measure predetermined set of characteristics of the document. See column 4, lines 35-56.

**In reference to dependent claim 8**, Harrington teaches:

A method for calculating an alignment measure which can be applied to object's left edges, right edges or horizontal centerlines is disclosed. The method also applies to tops, bottoms, and vertical centers. See column 14, lines 35-67.

**In reference to dependent claim 9**, Harrington teaches:

Rules that follow an if/then construct are presented for the calculation of alignments of content objects within a document. See column 15, lines 30-67.

**In reference to dependent claim 10**, Harrington teaches:

The alignment measure depends on the distances between neighboring entries in the histogram. See column 15, lines 10-15.

**In reference to dependent claim 11**, Harrington teaches:

A statistical analysis of information related to the histogram is utilized to characterize documents and present the overall effectiveness of a document's presentation characteristics. See column 15, lines 1-67.

**In reference to dependent claim 12**, Harrington teaches:

The display may display the document or portion thereof that is being quantized with respect to quality. The display may also display the various options that a user can choose through the user interface with respect to the classes (terms component) that the user wishes to

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quantize or the various parameters that a user can choose through the user interface which are to be measured within the chosen quantization class. See column 8, lines 48-67.

**In reference to dependent claim 13**, Harrington teaches:

The claim mentions the score component and how it facilitates manually or automatically computing and applying scores to items based upon collected or aggregated information for the item. The terms component of dependent claim 12 was taught by the reference to Harrington and therefore, the score component does not need to be found as it relates to dependent claim 12.

**In reference to dependent claim 14**, Harrington teaches:

The claim mentions the feedback component and how it enables administrators or other systems to tag an item or category for further quality actions. The terms component of dependent claim 12 was taught by the reference to Harrington and therefore, the feedback component does not need to be found as it relates to dependent claim 12.

**In reference to dependent claim 15**, Harrington teaches:

An object presented within the reference to Harrington is considered a topic type due to the object being either a image, content, or data. See figures 75-77.

**In reference to dependent claim 16**, Harrington teaches:

The claim mentions an electronic identifier as a globally unique identifier and is based upon the electronic identifier of claim 15. However, the topic type was selected as being taught by the reference to Harrington and therefore is not required to be shown to provide a globally unique identifier as mention in dependent claim 16.

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**In reference to dependent claim 17**, Harrington teaches:

Figures 53-55 illustrate a document with objects within a display used to track results of measuring online access to a document set over time. See figures 53-55.

**In reference to dependent claim 19 and 20**, the claims recite similar language to that of independent claim 1, a system claim for carrying out measurements of data. Therefore, the claims are rejected under similar rationale.

**In reference to dependent claim 21**, Harrington teaches:

The reference discloses a histogram for measuring the frequency of particular features (alignment features) for the changing of document objects within a document. See column 15, lines 1-27.

**In reference to dependent claim 22**, Harrington teaches:

If a position has  $n$  edges contributing,  $n-1$  separations exist between edges of distance zero. As such, there should be a contribution of  $n-1$  from an entry count of  $n$  as well as the contribution from the separations between neighboring entry positions. See column 15, lines 28-67.

**In reference to dependent claim 23**, Harrington teaches:

The above applies to left edges, right edges, and center positions to calculate alignment measures referred to as alignL, alignR, and alignC. See column 15, lines 28-67.

**In reference to dependent claim 24**, Harrington teaches:

The regularity measures can be combined into the document quality measure as  $V(rh)$  and  $V(rv)$  where  $V(rh) = \text{preg}$  calculated when EdgeCount is filled with left edge positions and  $V(rv) = \text{preg}$  calculated when EdgeCount is filled with top edge position. An overall position



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regularity value can be defined as a weighted sum of the horizontal and vertical contributions.

See column 17, lines 44-67.

**In reference to dependent claim 25**, Harrington teaches:

A scoring component utilized to provide alignments within a document set and related to document set aesthetics and on document quality. See column 15, lines 1-67.

**In reference to dependent claim 26**, Harrington teaches:

The claim mentions the initiating of quality procedures by filtering an item which depends on the alternative language of dependent claim 25. The Examiner is not required to show the filtering of items as disclosed because the scoring of an item was taught by the reference to Harrington and therefore, the filtering would not be required as recited in dependent claim 26.

**In reference to independent claims 27 and 28**, the claims recite language similar to that of the system claim of independent claim 1 and the steps for applying corrective actions to a document set. Therefore, the claims are rejected under similar rationale.

#### ***Allowable Subject Matter***

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-4 and 7-28 have been considered but are moot in view of the new ground(s) of rejection.

Applicant amended the independent claims and thus changed the scope of the invention when it is read as a whole. More specifically, the claims state an automated identification process, and a scoring component that ranks the one or more quality metrics associated with the quality of the one or more items to determine a nature of a problem with the one or more items. It is these changes that required the examiner to withdraw the rejection and change the primary reference.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. LUDWIG whose telephone number is (571)272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/  
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2178

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